

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ESTATE OF GARY T. WORSTER, by and through Juanita Clay, Special Administrator for the heirs and next-of-kin;

Plaintiff,

vs.

RIDGECREST SNF OPERATIONS, LLC,  
HVH NE HOLDINGS LLC, HVH NE  
MANAGEMENT LLC, and HILL VALLEY  
HEALTHCARE LLC,

Defendants.

**8:23CV358**

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Findings and Recommendation of the Magistrate Judge. [Filing No. 33](#). The Magistrate Judge recommends this Court dismiss the case for want of prosecution, as counsel has failed to appear and represent the estate. *Id.* For the reasons stated herein, the Court adopts the Findings and Recommendation and dismisses the case.

When a magistrate judge assigned to oversee a case proposes findings and recommendations, those findings are filed with the Court. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). A party may file an objection to a magistrate judge's findings and recommendations within fourteen days. [Fed. R. Civ. P. 72\(b\)\(2\)](#). On review, the court may accept, reject, or modify, in whole or in part, the findings and recommendations of a Magistrate Judge. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

In this case, the Magistrate Judge entered an order on April 11, 2024, requiring Plaintiff to show cause why this case should not be dismissed for failure to provide counsel. Counsel was not provided, in spite of extensions to do the same. Therefore,

the Magistrate Judge recommended on that this Court dismiss this case. More than fourteen days have passed, and the record shows no party has filed an objection to the findings and recommendation. Accordingly, the Court adopts the Magistrate Judge's recommendation to dismiss the case for failure to prosecute.

THEREFORE, IT IS ORDERED THAT:

1. The Court adopts the Magistrate Judge's Findings and Recommendation, [Filing No. 33](#), in its entirety.
2. The case is dismissed without prejudice.
3. The Court will file a separate judgment in conjunction with this Memorandum and Order.

Dated this 10<sup>th</sup> day of December, 2024.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge